

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GREGORY WARREN,

Plaintiff,

- against -

EBAY, INC., JAMIE IANNONE, CYRIL B.,
KADESH, GENEVIEVE LEAH, and
OLDBOOMBOX aka Jurga Jurgute,

Defendants.

ORDER OF SERVICE

22 Civ. 3524 (PGG)

PAUL G. GARDEPHE, U.S.D.J.:

Plaintiff Gregory Warren, who is appearing pro se, brings this action in which he asserts claims under the Racketeer Influenced and Corrupt Organizations Act (“RICO”), the Lanham Act, and California and New York law. (Cmpl. (Dkt. No. 2) ¶¶ 58-97) Plaintiff seeks damages from: (1) eBay, Inc.; (2) “Jamie Lannone” (actually, Jamie Iannone), eBay’s President and Chief Executive Officer¹; (3) “Cyril B.,” an eBay customer support representative; (4) “Kadesh,” an eBay customer support representative; (5) “Sheila V.,” an eBay customer support representative; (6) Genevieve Leah, an eBay customer support manager; and (7) “Oldboombox,” also known as Jurga Jurgute, an eBay seller located in Dublin, Ireland. (Id. ¶¶ 4-10)

On June 3, 2022, the Court granted Plaintiff’s request to proceed in forma pauperis (“IFP”) – that is, without prepayment of fees. (See Dkt. No. 12)

¹ The Clerk of Court is directed to correct the spelling of the last name of this Defendant so that it appears on the docket as “Iannone.”

DISCUSSION

I. IDENTIFICATION AND SERVICE ADDRESSES OF “CYRIL B.,” “KADESH,” “SHEILA, V.,” AND LEAH

Under Valentin v. Dinkins, a pro se litigant is entitled to assistance from the district court in identifying a defendant or a defendant’s service address. See 121 F.3d 72, 76 (2d Cir. 1997). In the Complaint, Plaintiff supplies sufficient information to permit eBay to identify “Cyril B.,” Kadesh,” and “Sheila, V.,” their service addresses, and the service address of Defendant Genevieve Leah.

Accordingly, eBay must ascertain the identities of “Cyril B.,” Kadesh,” and “Sheila, V.,” their services addresses, and the service address of Leah. Counsel for eBay will provide this information to Plaintiff and the Court within 60 days of the date of this order.

Within 30 days of receiving this information, Plaintiff must file an amended complaint in which he names “Cyril B.,” “Kadesh,” and “Sheila V.” by their full names, and in which he provides the service addresses for those defendants and Leah. The amended complaint will replace, not supplement, the original Complaint. An amended complaint form that Plaintiff should complete is attached to this order. Once Plaintiff has filed an amended complaint, the Court will screen the amended complaint and, if necessary, issue an order directing service on the newly identified defendants and Leah.

II. SERVICE ON EBAY, IANNONE, AND “OLDBOOMBOX”

A. Service on eBay and Iannone

Because Plaintiff has been granted permission to proceed IFP, he is entitled to rely on the Court and the U.S. Marshals Service (“USMS”) to effect service. See Walker v. Schult, 717 F.3d. 119, 123 n.6 (2d Cir. 2013); see also 28 U.S.C. § 1915(d) (“The officers of the court shall issue and serve all process . . . in [IFP] cases.”); Fed. R. Civ. P. 4(c)(3) (“The court must . . .

order [that service be made by USMS] if the plaintiff is authorized to proceed [IFP] under 28 U.S.C. § 1915.”).

To allow Plaintiff to effect service on eBay and Iannone through USMS, the Clerk of Court is instructed to fill out USMS Process Receipt and Return forms (“USM-285 forms”) for eBay and Iannone. The Clerk of Court is further instructed to issue summonses for eBay and Iannone, and to deliver to USMS all paperwork necessary for USMS to effect service upon those defendants.²

If the Complaint is not served on eBay and Iannone within 90 days after the date the summonses for those defendants are issued, Plaintiff should request an extension of time to serve those defendants. See Meilleur v. Strong, 682 F.3d 56, 63 (2d Cir. 2012) (holding that it is the plaintiff’s responsibility to request an extension of time for service).

Plaintiff must notify the Court in writing if his address changes, and the Court may dismiss the action if Plaintiff fails to do so.

B. Service on “Oldboombox”

USMS cannot serve individuals or other entities in other countries. See Cross v. State Farm Ins. Co., No. 3:10-CV-1179, 2011 WL 13234729, at *2 n.3 (N.D.N.Y. Nov. 7, 2011).

To allow Plaintiff to serve “Oldboombox,” which is located in Dublin, Ireland, the Clerk of Court is instructed to send a copy of the summons and a copy of the Complaint to “Oldboombox” by registered mail. See Fed. R. Civ. P. 4(f)(1), (h)(2) (authorizing service on

² Although Rule 4(m) of the Federal Rules of Civil Procedure generally requires that a summons be served within 90 days of the date a complaint is filed, Plaintiff is proceeding IFP and could not have served summonses and the Complaint on eBay and Iannone until the Court reviewed the Complaint and ordered that summonses be issued for those defendants. The Court therefore extends the time to serve those defendants until 90 days after the date summonses are issued for those defendants.

individuals or entities in other countries pursuant to the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents (“Hague Convention”)); Wilson v. Austin, No. 11-CV-4594, 2012 WL 3764512, at *5 n.2 (E.D.N.Y. June 25, 2012) (Ireland is a Hague Convention signatory), report and recommendation adopted, 2012 WL 3764509 (E.D.N.Y. Aug. 27, 2012).

CONCLUSION

The Clerk of Court is directed to mail an information package to Plaintiff.

The Clerk of Court is further directed to: (1) issue summonses for Defendants eBay and Iannone; (2) complete USM-285 forms with the service addresses of Defendants eBay and Iannone; and (3) deliver all documents necessary to effect service of summonses and the Complaint on Defendants eBay and Iannone to the USMS.

The Clerk of Court is also directed to send copies of the summons and Complaint to Defendant “Oldboombox” (also known as Jurga Jurgute) in Dublin, Ireland, by registered mail.

The Court grants Plaintiff’s motion for permission for electronic case filing. (See Dkt. No. 11)

Finally, the Clerk of Court is directed to mail a copy of this order and a copy of the Complaint to Defendant eBay, Inc.

An amended complaint form is attached to this order for Plaintiff’s convenience.

Dated: New York, New York
June 17, 2022

SO ORDERED.

A handwritten signature in black ink, appearing to read "Paul G. Gardephe", written over a horizontal line.

Paul G. Gardephe
United States District Judge

DEFENDANTS AND SERVICE ADDRESSES

1. eBay, Inc.
2025 Hamilton Avenue
San Jose, California 95125
2. Jamie Iannone
President and Chief Executive Officer
eBay, Inc.
2025 Hamilton Avenue
San Jose, California 95125
3. “Oldboombox,” also known as Jurga Jurgute
37 Cedar Place, Ridgewood, Swords
Dublin, Ireland K67 H303